



***United States–Spain Treaties in Force,
January 1, 2009***

**Extradition Agreement between the Government of the
United States of America and the Government of Spain**

Supplementary treaty amending the treaty of May 29, 1970.

Signed at Madrid January 25, 1975;

Ratification advised by the Senate of the United States of America June 21, 1976

Ratified by the President of the United States of America August 10, 1976

Ratified by Spain October 10, 1975

Ratifications exchanged at Washington June 2, 1978

Proclaimed by the President of the United States of America June 27, 1978

Entered into force June 2, 1978

TIAS 8938



*United States–Spain Treaties in Force,
January 1, 2009*

STATUS:

Supplementary treaty amending the treaty of May 29, 1970.
Signed at Madrid January 25, 1975;
Ratification advised by the Senate of the United States of America June 21, 1976;
Ratified by the President of the United States of America August 10, 1976;
Ratified by Spain October 10, 1975;
Ratifications exchanged at Washington June 2, 1978;
Proclaimed by the President of the United States of America June 27, 1978.
Entered into force June 2, 1978.

EXTRADITION

TEXT:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Supplementary Treaty on Extradition between the United States of America and Spain was signed at Madrid on January 25, 1975, the text of which Supplementary Treaty, in the English and Spanish languages, is hereto annexed;

The Senate of the United States of America by its resolution of June 21, 1976, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Supplementary Treaty;

The Supplementary Treaty was ratified by the President of the United States of America on August 10, 1976, in pursuance of the advice and consent of the Senate, and was duly ratified on the part of Spain;

It is provided in Article II of the Supplementary Treaty that the Supplementary Treaty shall enter into force upon the exchange of instruments of ratification;

The instruments of ratification of the Supplementary Treaty were exchanged at Washington on June 2, 1978; and accordingly the Supplementary Treaty entered into force on that date;

NOW, THEREFORE, I, Jimmy Carter, President of the United States of America, proclaim and make public the Supplementary Agreement, to the end that it shall be observed and fulfilled with good faith on and after June 2, 1978, by the United States of



*United States–Spain Treaties in Force,
January 1, 2009*

America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of June in the year of our Lord one thousand nine hundred seventy-eight and of the Independence of the United States of America the two hundred second.

Supplementary Treaty on Extradition Between The United States of America and Spain

The President of the United States of America and the Chief of the State of Spain, desiring to make more effective the cooperation of the two countries in the repression of crime through the rendering of maximum assistance in matters of extradition,

Have decided to conclude a Supplementary Treaty on Extradition to amend the Treaty of Extradition signed at Madrid on May 29, 1970, (1) hereinafter referred to as the 1970 Treaty, and to this end have named as their representatives:

NOTES

(1) TIAS 7136; 22 UST 737.

The President of the United States of America:

Samuel D. Eaton, Esquire, Charge d'Affaires ad interim,
The Chief of State of Spain:

His Excellency Senor D. Pedro Cortina Mauri, Minister of Foreign Affairs,

who, after having exchanged their full powers, found to be in good and due form, have agreed as follows:

Article I

Paragraph D of Article XI of the 1970 Treaty is revised as follows: "A person arrested upon such an application shall be set at liberty upon the expiration of 45 days from the date when the Embassy of the country seeking extradition is informed through diplomatic channels of the fact of this arrest if a request for his extradition accompanied by the documents specified in Article X shall not have been received. However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received."



*United States–Spain Treaties in Force,
January 1, 2009*

Article II

This Supplementary Treaty is subject to ratification and the instruments of ratification shall be exchanged in Washington as soon as possible.

This Supplementary Treaty shall enter into force upon the exchange of instruments of ratification and shall cease to be effective on the date of the termination of the 1970 Treaty.

Tratado Suplementario de Extradición entre los Estados Unidos de América y España

El Presidente de los Estados Unidos de América y el Jefe del Estado Español, animados del deseo de hacer más efectiva la cooperación de los dos países en la represión de delitos prestándose la máxima asistencia en materia de extradición.

HAN DECIDIDO concertar un Tratado Suplementario de Extradición para enmendar el Tratado de Extradición firmado en Madrid el día 29 de mayo de 1970, de aquí en adelante referido como Tratado de 1970, y a este fin han nombrado como Plenipotenciarios suyos:

El Presidente de los Estados Unidos de América:

Al Sr. D. Samuel D. Eaton, Encargado de Negocios a.i El Jefe del Estado Español:

Al Excmo. Sr. D. Pedro Cortina Mauri, Ministro de Asuntos Exteriores,

los cuales, después de haber cambiado entre si sus plenos poderes hallados en buena y debida forma, han convenido lo siguiente:

Artículo I

El párrafo D del Artículo 11 del Tratado de 1970 es enmendado mediante lo siguiente: "La persona detenida en virtud de esta solicitud será puesta en libertad si, después de transcurridos cuarenta y cinco días desde el de la notificación por vía diplomática a la Embajada de la Parte requirente de la detención de aquella, no se hubiera recibido la solicitud de extradición acompañada de los documentos especificados en el Artículo 10. Sin embargo, esta disposición no impedirá la iniciación de un procedimiento dirigido a la extradición del reclamado, si dicha solicitud se recibe posteriormente".

Artículo II

Este Tratado Suplementario esta sujeto a ratificación, y los instrumentos de ratificación serán intercambiados en Washington tan pronto como sea posible.



*United States–Spain Treaties in Force,
January 1, 2009*

Este Tratado Suplementario entrará en vigor después del intercambio de ratificaciones y cesará en la fecha de terminación del Tratado de 1970.

IN WITNESS WHEREOF the Plenipotentiaries have signed this Supplementary Treaty and have hereunto affixed their seals.

Done in duplicate, in the English and Spanish languages, both equally authentic, at Madrid this twenty-fifth day of January, one thousand nine hundred seventy-five.

EN FE DE LO CUAL los Plenipotenciarios han firmado y sellado este Tratado Suplementario.

HECHO por duplicado en inglés y en español, siendo igualmente auténticos ambos textos, en Madrid el veinticinco de enero de mil novecientos setenta y cinco.

SIGNATORIES:
JIMMY CARTER

By the President:
CYRUS VANCE
Secretary of State

FOR THE UNITED STATES OF AMERICA:
SAMUEL D. EATON

FOR SPAIN:
P CORTINA MAURI